

**RECORD OF PROCEEDINGS  
OF THE GOVERNING BODY  
CITY OF GARDNER, KANSAS**

Page No. 2006-001

January 3, 2006

The City Council of the City of Gardner, Kansas, met in regular session on Tuesday, January 3, 2006, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with the Honorable Mayor, Carol Lehman presiding. Present were Councilmembers Weisenburger, Duran, Peters, Drovetta, and Raney. City Staff present were City Administrator Fairburn, Assistant Administrator Mundt, Finance Director Gourley, Public Works Director Greene, Public Safety Captain Moore, HR Director/City Clerk Scott, Parks and Recreation Director Stewart, and City Attorney Hubbard. Others present included Ed and Janice James, Paul Kilgore, Susan Schultz, Greg Kindle, Albert Rukwaro, Tom Breen, Bob Duran, Bruce Birzer, Rusty Zimmerman, John Keely, Randy Wilbanks, Jason Burnett, Edna Mitchell, and others.

**CALL TO ORDER**

There being a quorum of Councilmembers present, the meeting was called to order by Mayor Lehman at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

Councilmember Drovetta led those in attendance in the pledge of allegiance.

**PRESENTATION**

Councilmembers joined with the Mayor in recognizing Bruce Birzer, Mechanic, for five years of service to the City of Gardner.

**HURRICANE KATRINA PRESENTATION**

Edna Mitchell, members of her family, and the family relocated to Gardner from New Orleans as a result of Hurricane Katrina, presented the City of Gardner with a quilt signed by donors to the hurricane relief effort and expressed their thanks for the community's support.

**ELECTRIC RATE CONCERNS**

Russell Zimmerman, 18471 S. Cherry, addressed the Council with concerns that the City's electric charges included hidden costs not itemized on the bill, specifically the subsidy to the general fund. He also questioned why Gardner is in the business of producing electricity and recommended the city sell out to Kansas City Power and Light and use the money for other things.

**CONSENT AGENDA**

Councilmember Duran made a motion to approve the following items listed on the consent agenda:

1. Standing approval of the minutes as written for the regular meeting on December 19, 2005.
2. Standing approval of the expenditures prepared on December 15 and 22, 2005, in the amount of \$ 1,827,902.37.
3. Consider increasing the project authorization to Capital Electric for Shean's Crossing and Kill Creek at 159<sup>th</sup> Street overhead electric line extension projects.
4. Consider authorizing the City Administrator to extend electric distribution materials supply contract with Wesco Supply Company, Inc., through the 2006 Calendar Year.
5. Consider authorizing the City Administrator to extend the underground power line construction contract with Capital Electric Line Builders through the 2006 Calendar Year.
6. Consider authorizing the City Administrator to renew the Combustion Turbine Generator Annual Maintenance Contract with GE Energy Services.

Councilmember Peters seconded the motion.

Councilmember Raney requested that Item 3 be removed from the consent agenda.

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**CONSENT AGENDA (Continued)**

Councilmember Duran amended her motion to approve the items listed on the consent agenda with the exception of Item 3. Councilmember Duran amended her second.

All of the members voting in favor of the motion, the motion carried.

**CHANGE ORDERS (CONSENT ITEM 3)**

Councilmembers considered increasing the project authorization to Capital Electric for Shean's Crossing and Kill Creek at 159<sup>th</sup> Street overhead electric line extension projects. Councilmember Raney asked the nature of the cost increases, if they were due to mistakes on the part of the contractor. Public Works Director Greene stated the additions were due in part to conditions that changed after the initial bid and work that was not included in the original bid scope.

Councilmember Drovetta made a motion to approve Item 3 as listed on the consent agenda. Councilmember Weisenburger seconded the motion.

Councilmembers Weisenburger, Duran, Peters and Drovetta voted in favor of the motion. Councilmember Raney voted in opposition. A majority of the members voting in favor of the motion, the motion carried.

**COUNCIL RESIGNATION**

Councilmember Duran submitted her resignation from the City Council, effective immediately, to accept a full-time position as Staff Engineer with the City.

Councilmember Peters made a motion to accept the resignation of Councilmember Duran with regrets. Councilmember Drovetta seconded the motion.

**RECOGNITION**

Councilmembers joined with the Mayor in honoring Celia Duran for her service to the City of Gardner.

**COUNCIL APPOINTMENT**

Councilmember Drovetta made a motion to appoint Thomas J. Breen, Jr. to the Gardner City Council to fill the unexpired term of Councilmember Celia Duran. Councilmember Weisenburger seconded the motion.

All of the members voting in favor of the motion, the motion carried.

**OATH OF OFFICE**

Human Resources Director/City Clerk Scott administered the oath of office to newly appointed Councilmember Thomas J. Breen, Jr.

**PLANNING COMMISSION APPOINTMENTS**

Councilmember Peters made a motion to approve the appointments of Paul Kilgore and Jason Burnett to the Gardner Planning Commission to replace Tom Breen and John Ballou, each for a terms expiring in 2007. Councilmember Raney seconded the motion.

All of the members voting in favor of the motion, the motion carried.

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**BOARD OF ZONING APPEALS APPOINTMENTS**

Councilmember Breen made a motion to approve the appointment of Andrew Copeland to the Gardner Board of Zoning Appeals. Councilmember Peters seconded the motion.

All of the members voting in favor of the motion, the motion carried.

**PUBLIC HEARING**

Mayor Lehman opened a public hearing for the purpose of considering applying to the Board of Tax Appeals of the State of Kansas to grant an exemption from ad valorem taxes pursuant to Article 11, Section 13, of the Constitution of the State of Kansas for certain real and personal property to be used as a warehouse/distribution facility for Creative Associates, Inc., a Missouri corporation (dba Patriot Products, Inc., a Missouri corporation).

Laura Gourley, Finance Director, provided Council with a brief overview of the process for considering the tax abatement requested by Patriot Products. Greg Kindle, Southwest Johnson County Economic Development Corporation, provided the results of the requisite cost benefit analysis.

There were no comments from the public.

Councilmember Weisenburger made a motion to close the public hearing. Councilmember Breen seconded the motion.

All of the members voting in favor of the motion, the motion carried.

**KANSAS TRANSPORTATION REVOLVING FUND**

Councilmember Peters made a motion to consider an ordinance authorizing the execution of a loan agreement between the City of Gardner, Kansas and the State of Kansas, acting by and through the Kansas Department of Transportation for the purpose of obtaining a loan from the Kansas Transportation Revolving Fund. Councilmember Drovetta seconded the motion.

On roll call, the vote was: Peters, yes; Drovetta, yes; Raney, yes; Weisenburger, yes; and Breen, yes. All of the members voting in favor of the motion, the ordinance was passed and assigned No. 2181.

There being no further business to come before the Council, on a motion duly made and seconded, the meeting adjourned at 8:40 p.m.

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Gwen Scott, HR Director / City Clerk